

Amendments to the Claims

The following listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (Canceled).

Claim 2 (Currently Amended): An apparatus for separating layers of tissue comprising:

a first tubular member having an open proximal end and an open distal end defining a first bore therethrough;

a first inflatable member disposed on the distal end of the first tubular member, the first inflatable member having an uninflated state and an inflated state wherein the first inflatable member has an open proximal end and an open distal end defining a first aperture therethrough, the first aperture and the first bore being configured and dimensioned for receiving a surgical instrument therethrough;

a second tubular member having an open proximal end and an open distal end defining a second bore therethrough, the second tubular member being configured and dimensioned for receiving the first tubular member and the first inflatable member in the uninflated state; and

a second inflatable member ~~disposed on~~ attached to and extending distally from the distal end of the second tubular member, the second inflatable member having an uninflated state and an inflated state, wherein the first and second inflatable members are longitudinally spaced apart

to define a working space therebetween, and when the first and second members are in the inflated state, movement of the first inflatable member towards the second inflatable member is capable of capturing body tissue therebetween.

Claim 3 (Original): The apparatus of claim 2, wherein the first tubular member further comprises a first inner member disposed within the first tubular member and defining an annular space therebetween, the annular space in fluid communication with the first inflatable member.

Claim 4 (Original): The apparatus of claim 3, wherein the second tubular member further comprises a second inner member disposed within the second tubular member and defining an annular space therebetween, the annular space in fluid communication with the second inflatable member.

Claim 5 (Previously Presented): The apparatus of claim 2, wherein the first inflatable member has a substantially toroidal configuration.

Claim 6 (Canceled).

Claim 7 (Previously Presented): The apparatus of claim 5, wherein the second inflatable member has a substantially toroidal configuration, the second inflatable member having an open proximal end and an open distal end defining a second aperture therethrough.

Appl. No. 10/662,923
Amdt. dated August 26, 2008
Reply to Appeal Decision Mailed June 26, 2008

Claim 8 (Previously Presented): The apparatus of claim 7, wherein the second aperture is dimensioned for receiving the first tubular member.

Claim 9 (Previously Presented): The apparatus of claim 7, wherein the second aperture is dimensioned for receiving the first tubular member and a surgical instrument.

Claim 10 (Canceled).

Claim 11 (Previously Presented): The apparatus of claim 2, wherein the surgical instrument is an endoscope.

Claim 12 (Previously Presented): The apparatus of claim 2, wherein the surgical instrument is a laparoscopic instrument.

Claim 13 (Previously Presented): The apparatus of claim 2, wherein movement of the first tubular member towards the second tubular member being capable of separating a first layer of body tissue from a second layer of body tissue when the first and second inflatable members are in the inflated state.

Claim 14 (New): The apparatus of claim 2, wherein the first inflatable member is attached to and extending distally from the distal end of the first tubular member.